

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South
Arlington, Virginia 22202-5452



MAR 02 2016

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Committee Chair
Director for Educational Policy and Development

HEIDI W. STRASSLER *Heidi W. Strassler*
Associate Solicitor for Mine Safety and Health

WILLIAM J. FRANCA *William J. Franca*
Acting Director of Technical Support

TEDDI F. EISEN, M.D., FACOEM *Teddi F. Eisen, M.D.*
Reviewing Medical Officer, Contractor
Federal Occupational Health
Program Support Center
U.S. Department of Health & Human Services

SYED HAFEEZ *Syed Hafeez*
Director, Program Evaluation and Information Resources

SUBJECT: Chargeability Review Committee Decision

Case No.: 2015-M-35- [REDACTED]

Deceased: [REDACTED]

Date of Incident: August 17, 2015

Date of Death: August 17, 2015

Operator: Eastern Industries, Inc.

Mine: Martins Creek #118

Autopsy Conducted: Not Provided

Death Certificate Released: August 21, 2015

Decision: Not chargeable

In a unanimous decision, the Chargeability Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. Mr. [REDACTED], a 19-year old trespasser, was one of three persons that illegally accessed the mine to swim in an abandoned water-filled pit on the mine property. Mr. [REDACTED] went underwater 60 feet from the shore and failed to resurface.

The death certificate listed accidental drowning as the cause of death. MSHA's investigation was conducted between August 17, 2015 and August 19, 2015. No physical or environmental factors that could have contributed to the death were identified.

Based on these findings, the committee members concluded that Mr. [REDACTED]'s death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey
Laura V. McClintock